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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 10/683,969 | 10/10/2003 | Ramachendra P. Batni | LUC-440/Batni 2-1-4-1-3 | 3295 |
| 32205 | 7590 | 12/13/2006 | EXAMINER TIEU, BENNY QUOC | |
| CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602 | | | ART UNIT 2614 | PAPER NUMBER |

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|---|--|--|
| <p align="center">Office Action Summary</p> | <p>Application No.</p> <p>10/683,969</p> | <p>Applicant(s)</p> <p>BATNI ET AL.</p> | |
| | <p>Examiner</p> <p>Benny Q. Tieu</p> | <p>Art Unit</p> <p>2614</p> | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “one or more of the one or more intelligent network platforms” is being indefinite because if there is only one intelligent network platform, then “more of one intelligent network platform” is inappropriate. Examiner suggests Applicant to amend “one or more intelligent network platforms” to --a plurality of intelligent network platforms--.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Jiang et al. (U.S. Patent Application Publication No. 2004/0120494).

Regarding claims 1, 20, 25-27, 37, and 40, Jiang et al. teach an apparatus and a method, comprising: one or more intelligent network platforms that serve to provide feedback to be played to a calling communication device during a call from the calling communication device

for a called communication device (see [0024]); wherein one or more of the one or more intelligent network platforms allow a user of the called communication device to preselect one or more portions of the feedback (see [0027]); wherein one or more of the one or more intelligent network platforms employ signaling to connect the call from the calling communication device to an intelligent network platform of the one or more intelligent network platforms (see [0034]).

Regarding claims 2, 13, and 41 Jiang et al. further teach the apparatus and method wherein the call comprises a first call leg and a second call leg, wherein the one or more of the one or more intelligent network platforms that employ signaling to connect the call between the calling communication device and the called communication device employ signaling to connect the first call leg from the calling communication device to the intelligent network platform; wherein the one or more of the one or more intelligent network platforms that employ signaling to connect the call between the calling communication device and the called communication device employ signaling to connect the second call leg from the intelligent network platform to the called communication device (see [0038]).

Regarding claims 3, 18, and 22, Jiang et al. further teach the apparatus and method wherein the intelligent network platform connects a call bridge between the first call leg and the second call leg to connect the calling communication device with the called communication device (Fig. 2, 240).

Regarding claims 4, 42, and 43, Jiang et al. further teach the apparatus and method wherein upon detection of a need to bridge the first and second call legs, one or more of the one or more intelligent network platforms employ a call drop-back command to direct one or more switching centers that support the first and second call legs (see [0067] & [0068]).

Regarding claim 5, Jiang et al. further teach the apparatus wherein the one or more portions of the feedback comprise a ringback tone preselected by the user of the called communication device; wherein the intelligent network platform plays the ringback tone to the calling communication device (see [0018]).

Regarding claim 6, Jiang et al. further teach the apparatus wherein the intelligent network platform plays the ringback tone at the calling communication device between receipt of the call from the calling communication device and answer of the call by the called communication device (see [0027]).

Regarding claim 7, Jiang et al. further teach the apparatus wherein the one or more of the one or more intelligent network platforms that allow a user of the called communication device to preselect the ringback tone allow the user to customize the ringback tone for the call from the calling communication device (see [0018]).

Regarding claims 8, and 9, Jiang et al. further teach the apparatus wherein the call from the calling communication device comprises a first call from a first calling communication device, wherein the ringback tone comprises a first ringback tone; wherein the one or more of the one or more intelligent network platforms that allow a user of the called communication device to preselect the first ringback tone allow the user to customize a second ringback tone for a second call to be played to a second calling communication device; wherein the second ringback tone is different than the first ringback tone (see [0026]).

Regarding claims 10-12, 16, 17, 23, 24 see Fig. 4.

Regarding claims 14, see [0097] & [0101].

Regarding claim 15, see [0102].

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Regarding claims 19, 21, 28-35, 38, 39, see [0035].

Regarding claim 36, Jiang et al. further teach the apparatus wherein the first and second intelligent network platforms comprises an integrated intelligent network platform (see [0111]).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kokkinen (U.S. Patent Application Publication No. 2005/0105706) teaches a method and apparatus for providing pre-connection messaging and output.

6. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7490, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is 571-272-7490. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Benny Q. Tieu
Primary Examiner
Art Unit 2614